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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fourth session

SUMMARY RECORD OF THE 1319th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 10 March 1999, at 3 p.m.

Chairman: Mr. ABOUL-NASR

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Twelfth, thirteenth, fourteenth and fifteenth periodic reports of the Syrian Arab Republic (CERD/C/338/Add.1/Rev.1)

1. At the invitation of the Chairman, Mr. Al-Hussami and Mr. Nseir (Syrian Arab Republic) took places at the Committee table.

2. Mr. AL-HUSSAMI (Syrian Arab Republic) commended the high quality of the Committee's work, and emphasized Syria's strong commitment to the international treaties to which it was a party and the humanitarian and social obligations they entailed, and in the need for their universal application. As a founder member of the United Nations, Syria had participated actively in the drafting of the human rights treaties, including the Convention. Syria's position stemmed from a tradition of pluralism; all its citizens had lived together with many other groups and its society was therefore based on openness and tolerance. The idea of racial discrimination was alien to Syrian society and the phenomenon of fanaticism, whatever its manifestations, was unknown in Syrian history.

3. The provisions of chapter 4 of the Syrian Constitution contributed to the effective exercise of liberty and rights. Article 25, paragraph 1, provided that freedom was a sacred right and that the State safeguarded the personal freedom, dignity and security of its citizens; paragraph 3 that all citizens were equal before the law in regard to their rights and obligations; and paragraph 4 that the State safeguarded the principle of equality of opportunities for its citizens. Article 26 embodied the right of every citizen to participate in political, economic, social and cultural life in the manner prescribed by law. Article 35 in its paragraphs 1 and 2 enshrined the principles that freedom of belief was inviolable, that the State should respect all religions and that the State guaranteed freedom to engage in all religious observances in a manner consistent with public order. Article 36, paragraph 1, stated that work was the right and duty of every citizen, and that the State guaranteed work for every citizen. Article 37 named education as a right guaranteed by the State, free at all stages and compulsory at the primary level. Under article 45, the State guaranteed women every opportunity to participate effectively and fully in political, economic, social and cultural life, working to eliminate the restrictions which impeded their participation. Those were the most important constitutional provisions relating to political and economic, social and cultural rights and their protection in Syrian society.

4. He drew attention to the Government's efforts and legislation to prevent any discrimination against vulnerable groups in society, including children, women, industrial and agricultural workers, and students, to ensure that the treaties were translated into fact. Article 25, paragraph 4, through which the State guaranteed equality of opportunity for all citizens, was particularly significant. Syria did not claim never to encounter discrimination but did fight against any occurrence of discrimination in the

future by ensuring equal opportunity for all persons. Barring the way to future discrimination was at least as important as eliminating current discrimination, perhaps more so.

5. With regard to efforts made to ensure equal opportunity for vulnerable sectors he highlighted the monthly family allowance paid to all families with children and the role of the free or virtually free State-provided crèches in every district, institution and factory. The very nominal price of clothing and toys, and the fact that education was free at all levels, were further proof of equality of access and opportunity. The measures taken by the State to give women every opportunity to use their energies in political, economic, social and academic life and areas such as sport were too numerous to mention; while protecting the roles of mother, wife and sister, the State guaranteed effective equality of opportunity with men. Correcting a common misapprehension, he underlined that their religion and traditions in fact protected women and their rights and not the contrary.

6. Regarding the two main productive sectors, industrial and agricultural workers, the 1963 revolution had been brought about by and for them in order to bring justice to Syrian society. The 1973 Constitution and subsequent legislation had made up any shortcomings with regard to their rights to dignity, life, a livelihood, education, health and social welfare, to give them and their children every possibility for fulfilment and growth in all areas. He drew attention to the role played by non-governmental organizations (NGOs) and grass-roots associations in strengthening the fabric of society and democracy and particularly in striving to eliminate all forms of discrimination. Farmers' and workers' unions and unions of artisans, students and women all worked to uphold the rights of minorities and to ensure the implementation of those rights.

7. The Penal Code and other laws gave particular effect to the constitutional provisions on public freedoms, rights and duties and to both the spirit and substance of the norms of international treaties, including the Convention. Under article 307 of the Penal Code, any act or verbal or written statement intended to incite, or had the result of inciting, confessional or racial bigotry or strife among the various communities and component elements of the nation was punishable by a term of six months' to two years' imprisonment, in addition to a fine of up to 200 pounds and deprival of the right to hold public office and to be elected. Article 28, paragraph 3, of the Constitution prohibited moral or physical torture and degrading treatment, and such actions were punishable by law. Article 357 of the Penal Code provided that any civil servant who arrested or imprisoned a person in a manner not in conformity with the law could be punished with forced labour. Article 391 of the Penal Code stipulated that any unlawful violence committed with a view to securing a confession or information about a crime was punishable by a term of between three months' and three years' imprisonment; if the maltreatment led to illness or injury, the minimum prison sentence was one year.

8. The Israeli military occupation of the Syrian Golan Heights had been depriving Syrian citizens of the ability to enjoy their fundamental human rights in conformity with the Syrian Constitution and laws. The occupation subjected them to a colonial regime and aggressive ideologies based on

discrimination and racial and religious supremacy. The United Nations Special Committee to investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories had provided evidence that Israelis were violating all the rights relating to the inhabitants and land of the occupied Syrian Golan Heights on a daily basis. That included rights to property, housing, national identity, work, health, education and even clean drinking water. Their stranglehold on water resources was even leading to destruction of the natural environment. Removing Syrians from their homes and planting settlers had destroyed the traditional way of life in all but five villages in the Syrian Golan Heights, and the creation of 40 new settlements had changed the demographic composition. The Special Committee had concluded that the occupation underlay all the violations of human rights in the occupied Syrian Golan Heights, and the Syrian delegation felt it was within the mandate of the Committee on the Elimination of Racial Discrimination to speak out against violations in the region, with a view to defending the Charter and the principles of the United Nations, particularly the principle of the inadmissibility of the acquisition of land by force.

9. Mr. SHAHI (Country Rapporteur) welcomed the resumption of dialogue with Syria after an eight-year interval, and hoped that it would continue on a regular basis in the future. In order to place the fifteenth report in perspective, it was necessary to understand Syria's geopolitical situation as it had evolved over the years. Syria had a long history as a prize sought by conquerors and invaders, a fate which had continued into the twentieth century. It had assimilated or rejected all invaders, from the Egyptians to the Mongols, without losing its essentially Semitic character in terms of language and culture, but all had left their mark on the landscape of Syria; Damascus was the oldest continually inhabited capital of the world. Nonetheless, invasions and conquest were not conducive to an evolving process of protection and promotion of human rights.

10. Retracing events since Syria's independence in 1946, he said that it had been involved in four wars with Israel since then, with the threat of conflict ever present. Israel had occupied the Syrian Golan Heights since 1967, and had proclaimed its annexation in 1981, although that was considered null and void by United Nations organs which upheld the principle of non-admissibility of acquisition of territory by war. Syria played a key role in the Middle East. It had intervened to stop the civil war in Lebanon in 1976, providing most of the 300,000-strong Arab Deterrent Force which remained posted there, its military presence having been legitimized by the 1989 Taif Agreement, and had also sent troops to protect Saudi Arabia after Iraq's invasion of Kuwait. In 1991, Syria had agreed to direct negotiations with Israel at the Madrid Peace Conference, for a settlement based on United Nations Security Council resolutions 242 (1967) and 338 (1973). However, in 1996 the Israeli Prime Minister had rejected the land-for-peace formula as the basis of negotiations between Israel and her Arab neighbours; and the expansion of new Jewish settlements into East Jerusalem (Har Homa) in 1997 had paralysed negotiations between Israel and Palestine, with serious repercussions on the prospects for a comprehensive peace in the Middle East.

11. In its concluding observations on the report of Israel in 1991, the Committee had stated that the Government of Israel implemented neither the Geneva Convention Relative to the Protection of Civilian Persons in Time of War nor the International Convention on the Elimination of All Forms of Racial Discrimination, and had expressed great concern about the situation in the occupied territories.

12. The fifteenth report had not been drawn up according to the Committee's guidelines, nor did it contain the information requested by the Committee following its consideration of the eleventh report. The Committee's request for a more comprehensive report had not been met. He thanked Mr. Al-Hussami for his supplementary information, particularly regarding the Israeli occupation.

13. Although it was stated (para. 8) that the international conventions to which the Syrian Arab Republic had acceded became an integral part of its domestic legislation, it must be pointed out that the Convention was not self-executing and required national legislation for its full implementation. The contention that the absence of racial discrimination explained why there was no specific legislation to prohibit it (para. 10) was one which was unacceptable to the Committee: it did not mean that it could not occur in the future, nor did it absolve the State party from enacting the legislation needed to give effect to the Convention. It must be acknowledged that article 207 of the Syrian Penal Code, which on the whole met the obligations under article 4 of the Convention and provided for the remedies set out in article 6 did allow for the possibility of using the Penal Code against racial discrimination, although the State party reported that there had never been a single case of recourse to the courts by a Syrian citizen or a foreigner seeking compensation for violation of article 207 and that there had never been any complaints of racial discrimination.

14. Syria's accession to a number of international human rights instruments was evidence of its concern to protect human rights.

15. According to other documents that had come to his attention, the state of emergency had existed since 1948. Was that date correct? The explanation given for that long period had been that Syria had been a perennial theatre of war and tension. The provisions on the state of emergency had led to extraordinary powers being exercised by the State supreme security courts, whose procedures, it was feared, fell seriously short of international fair-trial standards. As justification, it was claimed that trials held in those courts were for terrorist and secessionist acts. There had been allegations that the Syrian security courts operated outside the legal system and that torture took place despite its being banned by legislation. Pursuant to article 4 of the International Covenant on Civil and Political Rights, during a state of emergency no derogation was permitted from the right to life, freedom from torture or slavery or freedom of thought, conscience and religion. When the eleventh periodic report of Syria (CERD/C/197/Add.6) had been considered, a number of Committee members had already inquired about the state of emergency. Could the Syrian delegation cast some light on the current situation?

16. By and large, Syrian legislation met the requirement under article 2 of pursuing a policy of eliminating racial discrimination and promoting understanding, and of undertaking to engage in no act of racial discrimination. During the consideration of Syria's eleventh report, it had been suggested that pursuant to article 2.1. (c), the Syrian Government should set up an interministerial body to review national and local policies to amend, rescind or nullify any laws or legislation which had the effect of creating or perpetuating racial discrimination. The fifteenth report was silent on that question. Information from the Syrian delegation would also be welcome on what concrete measures were taken pursuant to article 2.2. of the Convention to guarantee the full and equal enjoyment of human rights by certain racial groups and individuals belonging to them.

17. Regarding implementation of article 3, Syria had complied in full with its obligation to condemn the apartheid regime of South Africa, but the Committee's interest also extended to the elimination of any segregation of racial groups within the territory of the State.

18. As to article 4, Syrian law prohibited incitement to racial discrimination. The fifteenth periodic report said nothing about article 4, but the text of article 307 of the Penal Code - apparently referred to as article 207 in the eleventh report - made it an offence to incite confessional or racial bigotry or conflict among the various communities and component elements of the nation. Paragraph 5 of the eleventh report stated that Syrian law prohibited all forms of propaganda and associations based on concepts and theories advocating the supremacy of any race or any group of a particular colour or ethnic origin or which attempted to promote any form of racial hatred or discrimination, and that the establishment of any organization for the purpose of promoting racist ideology or instigating racial discrimination was also prohibited. Article 25 (3) of the Syrian Constitution stipulated that all citizens were equal before the law. It would therefore appear that the Syrian Arab Republic had implemented article 4 (a) and (b) and that article 307 of the Penal Code also covered the requirement of article 4 (c) of the Convention to prohibit public authorities and institutions, national and local, from promoting or inciting racial discrimination.

19. It had also been asked in 1991 whether article 207 of the Penal Code covered discrimination by both public authorities and private persons. That continued to be unclear from the fifteenth report. In reply to the question whether article 207 had been invoked in a court of law, the Syrian representative had stated on that occasion that that article was applicable by the courts but that no case of racial discrimination had ever been brought before them.

20. With reference to implementation of article 5, he drew attention to the Committee's previous request for more information on the implementation of article 5 (b) and (d) (ii), (iii) and (ix), notably whether there were specific laws governing the exercise of the civil, political, economic, social and cultural rights embodied in the Constitution and whether those rights were enjoyed without any discrimination. Concerning economic, social and cultural rights, he noted from the fiftieth report that any group could form a trade union and commented that in respect of article 5 (d) (iii) it had previously been observed by a member of the Committee that Syria had exercised

preferences similar to various other States with regard to the right to nationality. Referring to the statement by the Syrian representative during consideration of the eleventh report that the rights listed in article 5 (c), (d), (e) and (f) were regulated by various laws guaranteeing such rights, including the right to leave the country and return to it, he asked the Syrian delegation what exactly those laws were. He had noted that all citizens, including women, had the right to participate in the country's political, economic, social and cultural life, and welcomed the statement that there was compulsory primary schooling and free education at all levels.

21. Turning to implementation of article 6, he reiterated the question asked during the consideration of the eleventh report about what measures had been taken to inform the general public about the remedies available in cases of racial discrimination. Did citizens know that those remedies existed? It was difficult to know to what extent article 6 was implemented in practice because of the absence of complaints.

22. On implementation of article 7, the fifteenth report commendably contained a number of examples illustrating how Syria's schools and other educational institutions condemned racial discrimination and taught respect for human rights. The ruling Baath party's advocacy of human rights was encouraging.

23. With regard to the demographic composition of Syria, during its consideration of the eleventh report the Committee had asked whether Jews were excluded from the armed forces, whether their passports and identity cards mentioned their religion, and, if so, how that could be reconciled with the rights laid down in article 5 (d). The response had been that although there was no Jewish community as such in Syria, some Syrian citizens were Jews, that they freely practised their professions, engaged in trade and were exempt from military service, that their freedom of movement had not been restricted since 1976 and that passports made no reference to their religion. In 1948, the Jewish community in Syria had had 30,000 members. By 1991, most had emigrated, and there had been only about 5,000 left.

24. The fifteenth report filled the gap in the Committee's information about the number of Palestinians in Syria, with the figures provided in paragraph 11. As to their right to return to their homes and the issuing of special travel documents to enable them to travel abroad, the question was whether they had difficulty obtaining visas. During consideration of the eleventh periodic report, the Syrian representative had stated that the Palestinians were refugees, having been expelled from Palestine, and that their presence was provisional.

25. An assurance had been given in 1991 that certain gaps in the information supplied to the Committee would be remedied in the next periodic report. That had, however, not been the case, and it was to be hoped that that information would be provided in the next report.

26. Concerning persons of Kurdish origin in Syria, the World Directory of Minorities 1997 had reported there were 1 million Kurds in the country, or 8 per cent of the total population. Despite previous requests by the Committee for further information on the situation of persons of Kurdish

ethnic origin, no such data had been provided in the fifteenth periodic report. In particular, it was a matter of concern that in the early 1960s, as many as 140,000 persons of Kurdish origin had reportedly been deprived of the right of citizenship in Syria and that at present it was still not known how many Kurds living there were stateless. The Committee would welcome remedial action on behalf of any Syrian-born Kurds who had thus been rendered stateless. There were reports of bans on the use of the Kurdish language, on the establishment of Kurdish private schools and on publications of books and other printed matter in Kurdish, and of the blocking of passport renewal. The Committee hoped that the Syrian delegation could shed some light on those allegations by several human rights NGOs.

27. A number of reports had been brought to the notice of the Committee concerning violations of some of the human rights covered by article 5 of the Convention. They related to the incarceration of political prisoners, detainees, disappearances and unfair trials. The release, under a 1995 presidential amnesty, of 1,200 political prisoners who had been held because of their ties to the Muslim Brotherhood was a welcome development. According to the 1997 United States Department of State report, there were several hundred political prisoners, although the Syrian Government had contended that such persons had been arrested because of terrorist or other criminal acts. The Committee for Defence of Democratic Freedoms and Human Rights in Syria put the figure at 2,700, and the 1998 Human Rights Watch report had named a number of them. He welcomed the fact that Syria had received a delegation from Amnesty International in March 1998, noting that that NGO had subsequently called for the immediate release of prisoners detained only for their political beliefs and had submitted the names of 500 alleged political prisoners to the authorities, asking them to review the cases of those convicted and sentenced after unfair trials and to verify the whereabouts of those who had disappeared.

28. There were said to be continuing instances of disappearances of Palestinian refugees and Lebanese citizens at the hands of the Syrian security forces and transfer of persons from Lebanon to prisons in Syria. In 1997, four new disappearances of persons in Lebanon had been reported, one of whom had apparently been released. A Jordanian national was also said to be detained. The Working Group on Enforced or Involuntary Disappearances had stated that that person had been put on trial, after being detained for 15 years, and sentenced to death. Could the Syrian delegation provide information on that case? According to the Working Group, a substantial number of disappearances had occurred throughout the country in the early and mid-1980s. Some of the persons concerned had allegedly been members of terrorist groups; both Lebanese citizens and stateless Palestinians continued to disappear in Lebanon.

29. The 1998 Amnesty International report contained disturbing allegations of cases of persons arrested on political grounds, held without charges and detained after the expiry of their sentences, and of scores of disappearances in recent years. Twenty Kurds had reportedly been arrested in Al-Hasakah and Aleppo for organizing Kurdish cultural activities, 15 of them on the eve of the Kurdish New Year. Most of those arrested in 1996 had subsequently been released, which was welcome news. Many Palestinians arrested on political grounds in Lebanon and Syria in past years were still said to be held

incommunicado, their whereabouts being unknown. About 200 Lebanese nationals continued to be held in Syrian prisons. On 9 March 1998, Amnesty International had issued a statement welcoming the release of 121 Lebanese prisoners, which it had hoped would be accompanied by substantial legislative changes to protect human rights. The Lebanese detainees, most of whom had been held without charges or trial since the 1970s, had been released and handed over to the Lebanese authorities.

30. He was concerned at reports that military and State security agencies operated outside the legal system and often ignored the rights of suspects and detainees and that the emergency legislation authorized preventive arrests, overriding the Penal Code. There were allegations of poor prison conditions, arbitrary arrest, prolonged detention without trial and unfair trials. While the regular court system apparently displayed a large measure of independence, political connections sometimes influenced verdicts and there had been allegations of judicial corruption.

31. Although there had been some reports of violence against women, especially in rural areas, he commended the Syrian Arab Republic on its enlightened policy with regard to the emancipation of women and urged the authorities to speed up its implementation.

32. Although the State party's latest report was fragmentary, when taken in conjunction with previous reports and the delegation's introductory statement, it went some way towards filling in the gaps in the Committee's information on the Syrian Arab Republic.

33. Mr. VALENCIA RODRÍGUEZ noted that the Syrian report was relatively brief and failed to comply with the Committee's guidelines. He further regretted the lack of a core document and of data on the ethnic composition of the population.

34. According to the report, Syrian society was noted for its tolerance and lack of bigotry, a claim borne out by the country's historical status as a crossroads of civilizations and races. Today, however, the Syrian Arab Republic was suffering the consequences of foreign aggression and the adverse impact of the occupation of a large portion of its territory.

35. In its international policy, the Syrian Arab Republic had championed the standards of human rights and equality guaranteed in its Constitution, condemning racist regimes and opposing racism in general. International treaties were incorporated in domestic legislation and were directly applicable by the courts. He commended the programmes and activities described in paragraph 8 of the report.

36. Although the articles of the Penal Code cited in paragraph 10 were worded somewhat differently from article 4 of the Convention, the State party had made a commendable effort to honour its obligations under that article. However, its claim that the provisions of article 5 were covered by the Constitution and other legislation could not be verified in the absence of the relevant texts. The Committee would also like to see the legal instruments under which victims of acts of racial discrimination were entitled to seek legal redress.

37. Welcoming the assurance that Kurdish groups and the Jewish community did not suffer discrimination, he requested additional information on how their rights were safeguarded.

38. He praised the Government for its efforts in the area of housing and employment on behalf of the 350,000 Palestinian refugees. It was to be hoped that a just and permanent solution to their plight would soon be found.

39. Mr. NOBEL said that, according to the World Directory of Minorities, the Syrian Arab Republic was inhabited by Alawis, Kurds, Greek Orthodox and Catholics, Druzes, Armenians, Ismailis, Syrian Orthodox and Catholics, Turkomans, Circassians, Ithna`asharis and Jews. It was, in short, a highly multicultural and multi-religious society in which ethnic groups had lived side by side for centuries. It was therefore of the utmost importance that the Syrian authorities fulfilled all their obligations under the Convention, in both legislative and practical terms.

40. According to a report by the International Labour Organization (ILO) on Syrian implementation of ILO Convention No. 107 concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, 750 permanent primary schools and 67 mobile schools in vehicles and tents had been provided for the Bedouin population. That was a highly commendable educational effort on behalf of a minority that had not even been mentioned in the World Directory. Were there any census figures for the Bedouin community? He also praised the establishment of human rights committees in every Syrian school and asked for more details on how they operated.

41. Large numbers of Kurds were said to have entered the Syrian Arab Republic illegally, fleeing from persecution in neighbouring countries. But reliable NGO sources alleged that they were actually the selfsame people who had been deprived of their citizenship in 1963 and had been living in the country for generations. He had personally received the same impression from conversations with Kurds in that category.

42. Amnesty International alleged that Khaled Daoud Shaikhu, Umar Ayoub Hamu and Mahdi al-Ali had been arrested for distributing tapes of Kurdish music. If the allegations were true, such action was a violation of article 2 (a) of the Convention. The Minority Rights Group claimed that Kurds still suffered inferior status, many still being denied citizenship, identity cards or passports. The Kurdish language and culture allegedly continued to be repressed and Kurdish names were replaced by Arabic names. However, the same NGO reported that ethnic discrimination had greatly diminished. According to the International Federation of Human Rights (FIDH), the Constitution had been largely non-operational since the 1962 Decree declaring a state of emergency. Restrictions had been placed on freedom of association and choice or change of residence. Letters, publications, radio broadcasts and other forms of communication were censored. Minorities such as the Kurds were often the main victims.

43. Mr. DIACONU said that cross-fertilization between different cultures was a striking feature of Syrian history and had bred tolerance and understanding among the peoples concerned. The delegation had acknowledged in its opening

statement that incidents of discrimination did occur and had assured the Committee that the authorities were fighting those trends. The country certainly had a clear-cut policy of opposing racial discrimination and segregation. He hoped that the statutes of the ruling Baath party had been translated into political action.

44. While most provisions of the Convention seemed to be covered by Syrian legislation, he had been unable to find a reference to racial acts of violence. According to paragraph 9 of the report, the Ministry of Culture prohibited films and tapes produced by bodies seeking to disparage certain races and communities. He asked whether the persons or groups concerned had been punished.

45. The Committee would appreciate additional information on the Kurdish minority. Were Kurds allowed to use their mother tongue freely on public and private occasions and were there schools providing instruction in the Kurdish language? Statistics from different sources on the number of Kurds living in the country were extremely contradictory, ranging from 160,000 to 1 million. Were there Kurdish refugees from other countries of the region living in the Syrian Arab Republic and, if so, what was their status?

46. He would also welcome additional information about the country's other ethnic minorities.

47. Mr. DE GOUTTES thanked the delegation for supplementing what had been a very brief and insufficiently detailed periodic report.

48. He had reservations concerning the statement in paragraph 10 that the absence of racial discrimination in the history of Syrian society explained the failure to promulgate legislation to address the phenomenon. However, he was heartened to note that racist acts or verbal or written statements and membership of racist organizations were punishable under articles 307, 308 and 109 of the Penal Code.

49. A Syrian delegation had assured the Committee in 1991 that the Kurds were fully integrated into Syrian society but Amnesty International, in its 1998 report, alleged that at least 20 Kurds had been arrested in the Governorates of Al-Hasakah and Aleppo for organizing Kurdish cultural activities. At least 15 had reportedly been arrested on the eve of the Kurdish New Year and been imprisoned in Fara Falastin, Adhra and Aleppo. He invited the delegation to comment on the allegations and drew attention to the statement on the Kurds (CERD/C/54/Misc.20/Rev.1) adopted by the Committee at its previous meeting.

50. In 1991, the Syrian delegation had informed the Committee that the presence of Palestinian refugees in the Syrian Arab Republic was a temporary phenomenon. He invited the delegation to comment on an allegation by Amnesty International that many Palestinians had been arrested in the Syrian Arab Republic and Lebanon for political reasons and were still in prison. In many cases, their whereabouts were allegedly unknown.

51. He asked the delegation to confirm that members of the Jewish community enjoyed full freedom of movement and that their religion was no longer mentioned on their identity cards.

52. Mr. GARVALOV asked whether the Greek Orthodox and Catholic community in Syria in fact represented an ethnic minority or were a religious group, as they were in Lebanon. Paragraph 3 of the report stated that racial discrimination was unknown in Syrian history and that racist acts were regarded as highly reprehensible. The Committee was on record as having expressed an unequivocal position in similar cases, namely that no country in the world was immune to racial discrimination.

53. In any case, even though it might appear that racial discrimination was absent from a society, it was still incumbent on each State party to enact such legislation, at the very least as a preliminary step. With reference to the statement (para. 10) that Kurds did not constitute a grouping, since they were found throughout the country and formed part of the fabric of Syrian society, did the State party believe an ethnic minority could only qualify as such if all its members lived in the same area? He pointed out that, according to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, human rights were individual, not collective, rights.

54. Lastly, referring to paragraph 6 of the report, he said that "the participation in the elimination of apartheid, of all policies and practices of racial discrimination or segregation and of racist propaganda" should be the cornerstone of the State's constitutional, legislative and judicial powers. Those powers in turn must be the cornerstone of the State, to which all other structures, including political parties, were subordinate.

55. Mr. AL-HUSSAMI (Syrian Arab Republic) said that the starting point for considering the situation in Syria must be the absence of discrimination in any form. Syria had always been a meeting point for ethnic groups, races and religions. It was the coexistence of cultures that had made Syrian society what it was - a society that had no experience of discrimination on ethnic or racial grounds. Nevertheless, it had tried to forestall the occurrence of racial discrimination in the future by referring to it in the Constitution and the Penal Code and by striving for equality of opportunity for all citizens in schools and employment and before the law.

56. A number of speakers had referred to the state of emergency that prevailed in Syria. The regional political situation, which deeply affected Syria owing to its own geographical situation, had never allowed Syria to relax its vigilance, and any country that believed its security to be threatened from within or without was permitted under civil and international law to declare a state of emergency. It would remain in place as long as the security situation did not change: with threats from terrorism, Israel, explosions, expulsions and assassinations, how was it possible to manage without it? The President had made it clear that it was applied within narrow limits and with great caution. There was no constraint on freedom: foreign Powers and the United Nations had missions in the country, Syrians were free to move about and express their views, and newspapers criticized the Government. The state of emergency had no effect on everyday life. It was a

deterrent, imposed in a security situation that gave Syria no choice. He would like the regional situation to improve so that the state of emergency could be lifted.

57. Descriptions of the situation of Kurds in Syria tended to be exaggerated and not to reflect reality. Syrian citizens of Kurdish origin were treated in the same way as any of the numerous cultural groups in the country. It was members of the Committee who continually alluded to racial differences. Syria did not carry out blood tests, for example, to establish people's racial origins.

58. In the 1950s, many Kurds had entered Syria through the Al-Hasakah region, near the Turkish and Iraqi borders. In 1962, an attempt had been made to determine the number of Kurds who had entered illegally. Those already registered before 1945 and anyone who could prove that they had been resident in Syria since before 1945 could be regarded as Syrian citizens. The same had applied to retired civilian or military State officials and to officials who had worked for the State for 10 years. Those who had been unable to provide documentary proof of residence had been deemed non-Syrians and registered as foreigners. The cut-off date for claiming citizenship had been extended to 1972 and, between 1976 and 1995, the numbers of registered foreigners had increased, because of marriage and births, from around 40,000 to around 67,000.

59. In addition to those registered, other foreigners had come into the region illegally after the census and by 1995 had numbered around 75,000. No country in the world handed out citizenship to illegal immigrants, yet Kurds and Turks living in the Al-Hasakah region, who had entered the country illegally and been unable to prove their Syrian citizenship, enjoyed certain rights and similar benefits to Syrian citizens. They had identity cards and passports, their births, marriages and deaths were entered on their passports, their children were enrolled at all levels of education and they were allowed to work anywhere in the public or private sectors. They were free to travel within Syria, depending on the type of identity card they held, and in certain circumstances could leave Syria, for example for medical care or study. Was that injustice or oppression? Even though they had slipped into the country, they were made welcome and treated with respect. The women of such groups were allowed to marry Syrian citizens and thus obtain Syrian citizenship; Syrian women, however, were not allowed to marry into such groups - in that way Syria protected both Syria women and Syrian nationality, as was its right to do.

The meeting rose at 6 p.m.